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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-191215

DATE: March 28, 1978

MATTER OF: Amdahl Corporation

DIGEST:

1. Protest of alleged impropriety in solicitation is untimely where presented at the earliest as part of protester's initial proposal.
2. Protest filed more than 10 days after rejection of offer to furnish one processor in lieu of two specified is untimely.

The Amdahl Corporation (Amdahl) has protested a refusal by the contracting officer to modify the specifications set forth in request for proposals (RFP) No. F19628-77-R-0294 issued by the Air Force Computer Acquisition Office.

The RFP required that offerors propose to furnish one or more of four specified equipment configurations for which the mandatory alternate central processor configurations were specified as follows:

	<u>Quantity</u>		<u>Processor</u>
A.	1	-	IBM Model 3033
B.	1	-	IBM Model 370/168MP
C.	2	-	Amdahl Model 470/V6II
D.	1	-	Amdahl Model 470/V7

Initial proposals were received on October 20, 1977. Amdahl proposed to furnish one (1) Amdahl Model 470/V6II which Amdahl contended could meet the user's needs. Amdahl continued during negotiations to attempt to convince the Air Force that the specifications should be changed to require only one Model 470/V6II processor in configuration "C" above. The Air Force report to this Office states that Amdahl was advised on November 18, 1977, that its proposal was unacceptable and

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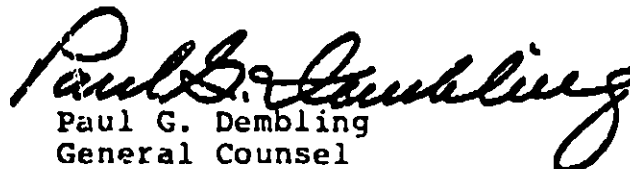
the specifications would not be changed. Amdahl's protest was filed in this Office on February 3, 1978. We have been advised that award of the contract was made on March 7, 1978, during the pendency of this protest.

Amdahl contends (1) that the specifications should have been changed, and (2) that its offer of one Amdahl Model 470/V6II processor met the requirements of the specifications.

With regard to Amdahl's first contention, our Bid Protest Procedures, 4 C.F.R. part 20 (1976), require that a protest "based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals shall be filed prior to bid opening or the closing date for receipt of initial proposals." 4 C.F.R. § 20.2(b)(1) (Emphasis supplied.) Amdahl's protest against the requirement for two Amdahl Model 470/V6II processors was raised at the earliest at the time that Amdahl submitted its initial proposal. We have held previously that a protest of an apparent impropriety in a solicitation was untimely where the protest was first submitted with the protester's bid. See American Can Company - Reconsideration, B-186974, August 19, 1976, 76-2 CPD 178; Emerson Electric Co., B-184346, September 9, 1975, 75-2 CPD 141. Although this was a negotiated procurement, the same rule applies where the protest is first submitted with the initial proposal. Consequently, we find Amdahl's first contention untimely and not for consideration on the merits.

In connection with Amdahl's second contention, we think it is clear that this aspect of the protest is also untimely as the Air Force's refusal to accept one Amdahl Model 470/V6II processor or change the specifications was communicated to Amdahl on November 18, 1977, more than 10 days before its protest was filed on February 3, 1978. 4 C.F.R. § 20.2(b)(2).

For the foregoing reasons, the protest is dismissed.


Paul G. Dembling
General Counsel